Mr. M. Sivarama Menon *(Advocate General):* Where there is a Commissioner, the Commissioner. In other cases, the Chairmen. They are given such emergency powers under the Municipal Act. The Council may say that a work which was done was an unnecessary work and that there was waste. Don't you want such a power for the Panchayat? It is really speaking a blessing. A Municipal Commissioner does not represent the Government. Here the position is different.

Mr. K. Narayana Menon *(Mulakunnathukavu):* As the Hon'ble Member for Law has stated all that I have to say I do not wish to repeat.

Amendment put and carried

Mr. A. V. Moothedan *(Chalakkudi):* Poll, Sir.

The House divided

For

1. Mr. P. Narayana Menon
2. ,, P. P. Devassy
3. ,, A. B. Salem
4. ,, George Panikulam
5. ,, K. M. Ibrahim
6. ,, K. T. Kunjipalu
7. Rao Sahib Nanu Menon
8. Mr. P. Kumaran Ezhuthassan
9. ,, C. K. Nayar
10. ,, M. Ramakrishnan
11. ,, K. Narayana Menon
12. ,, M. Krishna Menon
13. ,, K. J Thomas
14. ,, Koder
15. ,, Walmsley
16. ,, Govinda Pai
17. Mr. T. K. Nayar
18. ,, N. V. Subbrayan Chettyar
19. Rama Varmha Tampuran
20. Mr. A. Madhava Prabhu
21. ,, M. Sivarama Menon
22. ,, C. J. Mathew
23. ,, B. V. K. Menon
24. Khan Sahib Y. Muhammad Roshan Sahib Bahadur
25. Rao Sahib T. Verghese
26. Do. M. M. Paul
27. Mr. P. V. Raphael
28. Rao Sahib I. N. Menon
29. Mr. V. K. Aravindaksha Menon
30. ,, S. Venkiteswaran

Against

1. Mr. C. V. Iyyu
2. Mr. A. V. Moothedan

Mr. President: 30 for and 2 against. Amendment carried.

Clause 20 as amended put and carried

Clauses 21 to 32 put and carried

ADJOURNMENT MOTION
Ban on Public Meetings

Mr. President: The House will now take up the discussion on the Adjournment Motion about lifting the ban on Public meetings. 6 Hon'ble Members have given notice of motions on this subject. One of them may start the discussion.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Mr. President, Sir: I move that the business of this House be adjourned to discuss an urgent matter of public importance to wit, *to discuss the situation arising out of the publication last week of the Government Notification and Press Note on the holding and conduct of public meetings and public processions and to impress upon the Government the urgent necessity of removing the restrictions on public meetings and public processions entirely and unconditionally.*

The Government of the State which suppresses civil liberties writes its own judgment against itself and it has to be considered not only inefficient but reactionary. This is a statement which the enlightened Government of Cochin would do well to ponder over in considering the subject of this adjournment motion. Freedom of association and freedom of speech are but the elementary rights of citizenship even in less advanced countries than Cochin. More so, in the case of Cochin with an enlightened population with 14 lakhs of people who are loyal to the core, who are law abiding to a fault. It is in this perspective, Sir, that this motion has to be considered. We had about the close of May 1942 the Police Strike. The Government got panic-stricken with the unfortunate incident and went into things which a Government which has not lost its head would hesitate and ought to hesitate. They promulgated two notifications banning public meetings for a period of one month from the 9th of May and public processions for 6 months from the same date. Then there was that historic resolution

* Speech not corrected by the Hon'ble Member.

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passed by the all-embracing national organisation of India the famous resolution of August 8th. That again brought fright into the minds of all the Provincial Governments in British India and in its turn all the Governments of the Native States and our Government, Sir, promulgated their order, Notification, dated 13th August, within but 5 days of that resolution, banning all Public Meetings for 14 days from the 29th of Karkadagam. It did not end there. On the 25th of August before the expiry of the period of 14 days they extended the operation of the above Notification till the 11th September. Not satisfied that tranquility has not been restored (that was the opinion of the Government, but there was nothing against tranquility of Public Safety) on 9th of September 1942 by Notification No. 14 of 1118 they ordered that until such time as Government deemed fit to withdraw this order, no Public Meeting shall be held in any part of Cochin State except with the permission of the Commissioner of Police or any Officer empowered by him; and the Commissioner's orders were made final. In the interim the period of 6 months regarding the ban on Public Processions originally promulgated continued. When the period of 6 months was to expire on the 26th of Thulam 1118, very promptly, on the 8th of Thulam 1118 they came out with their Notification No. 60 of 1118 which banned processions until such time, again, as Government deemed fit to withdraw the order. Then the Government came out with the order, dated 8th Kumbham 1118, Judicial Department Notification No. 118 to the effect that meetings and processions in any part of the State shall not be conducted without the permission of the Commissioner of Police previously taken. There is a distinguishing feature with regard to this last-mentioned notification. All the previous notifications mentioned by me, Sir, had a period limit and most of them had no provision regarding the penalties to be imposed upon the persons who contravened the order. That was left to the normal exercise of the functions by the judicial authority before whom the offenders may be charge-sheeted. This notification, the last-mentioned one, had a clause, a foot note in the shape of a N. B. that anybody who contravences this order or abets or does anything in contravention of these orders, or any abetment of things prohibited under these orders, shall be punished with imprisonment for three years or with fine or with both. That is the distinctive feature about that. It is that order, Sir, that notification of the Government, which as a result of the persistent demands made both in the columns of the press as also on the floor of this House and it was not done elsewhere because nothing cou d be done elsewhere—the only two channels through which our grievances could be ventilated were the press of the State as also this Legislative Council—that has been now modified. The proceedings of this Legislative Council, the proceedings of the agenda of this Legislative Council will show that this Council has been ever vigilant to see that this insult placed upon the loyal and law-abiding subjects of His Highness the Maharaja is removed at the earliest possible date. That was the demand that was consistently being made by this House. On the occasion of question time, responsible statements have been made from the Treasury Benches that they are considering this question, that at the earliest opportunity, this stigma on the fair name of Cochin will be removed. That was an assurance from the Government in answer to a particular question that was answered on the very first day our present new Diwan presided over the deliberations of this House. I am referring to the proceedings of Vrischigam 1118, question Nos. 17 and 18 answered by the Hon'ble Member for Police. To a supplementary question whether, conditions have been improved from what they were when these orders were promulgated, the answer was in the affirmative, the change for the better was conceded by the Hon'ble Member for Police. To another supplementary question, he was pleased to answer, the supplementary being whether we cannot expect to have the ban removed at the earliest possible date, the answer again was in the affirmative that we can expect such a date very soon. These are the assurances, Sir, that we were given by the Government, responsible assurances, given by Government, in response to the agitation which wanted the removal of this ban which I shall charaterise only as a stigma on the fair name of Cochin.

We had no restrictions upon our liberties before. The first occasion in living memory, Sir, when that stigma was imposed upon the people of Cochin was in the days of the Electric Corporation muddle by which the District Magistrate of the day passed an order banning Public Meetings for a period of two months—because that is the period for which he can pass orders—in the Municipal town of Trichur and about five miles round about it, and when the Government found that their wishes could not be had within these two months, period, they by their executive act, as they are competent to do in all such matters, extended the period for four months. Sir, thus in all, we had this stigma once before in those days only for a period of six months, and in a restricted area and that for a particular purpose, either well understood or misunderstood. That is the one and the first occasion when such a stigma was

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placed. Then came, Sir, these notifications which I referred to practically commencing from the 9th May 1942 and ending with the last mentioned Notification, dated 8th Kumbham. I seriously ask, Sir, whatever might have been the unhappy occurrences—I am prepared to concede, Sir, that took place in the British Indian Provinces, I am not on the causes, that is not relevant to the issue; whatever might have been the unhappy occurrences that took place there, I seriously ask, Sir, whether there was anything here in this State which merited, which warranted, which called for these orders? There was a temporary prohibition of Public Meetings. I submit, Sir, that the mistake of the Government lies in passing that first order. If some exhibition of the feelings of the Nationalistic minded people of the State has to be made, opportunity must be given for that and our common law, the existing law was sufficient to handle any breach of any provision of law consequent upon the holding of such meetings. If only the Government of Cochin had not passed that Order banning Public Meetings and Public Processions for a period of 14 days, no overt act as the one that took place which resulted in the lathi charge by the imported M. S. P. Force, nothing like that would have taken place and our jails would not have been filled. The blunder was that. I do not complain, Sir, we are far away from that date. The question of questions and the living question of the day is whether even on the agitation of the Press in the State and even of this Hon'ble House the ban on meetings cannot be unconditionally removed, whether the Government cannot by a voluntary act blot away the stigma placed on the people. The earlier this is removed the better is the cry I make and the appeal I make to you, Sir.

Now, Sir, the lifting of the ban is of a limited nature is conceded by the Government. It has got various conditions. Only the candidate standing for election or one who proposes to stand for the election can convene a meeting. 24 hours' notice has to be given to the Police in the area. It is also stated that the exemption would cease to be in force on the day subsequent to the date that might be fixed for the holding of the general election. Is it not a shame, Sir, that even after the lapse of time from the original promulgation of this order, even when the British Indian Provinces have lifted the ban, even when the neighbouring State of Travancore have lifted the ban, this enlightened State continues it? Is there any justification, I ask, to retain it and to circumvent the good action of the present Government though to a limited extent? Where is the necessity to circumvent it like this with such safeguards ? Certainly no justification exists. And what is the use of this meeting to be convened by a person who intends to stand as a candidate, what is the use as contemplated by this sanction except spending the charges for printing and circulating the notice about the meetings, spending the necessary time and energy in convening the meeting. What can he do on the platform ? He can get up there and say "friends, I wish to stand as a candidate for election. I request that you may be pleased to support my candidature". These things are being done in the columns of the Dailies in Cochin everyday. More than that these meetings can serve no useful purpose. On the other hand if we can do anything more the Government will be pleased to tell us what are the things that we can do.

Mr. President: I must remind the Hon'ble Member that under the Rules no speech on a motion for the adjournment of the House should exceed 15 minutes.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*) : I shall wind up in two minutes.

Now, Sir, I ask whether the object of the election and the function of an election will be satisfied by the conduct of meetings by the candidates. I hold, Sir, the view that a meeting convened by a Member or an intending candidate is an absolusely unnecessary thing. On the other hand it is the Public who have to call for Meetings, who have to prescribe the conditions of the candidate, who ought to be returned, to put to the candidates the terms on which he could get the assurance of their votes on the promise that they will carry out their mandates, at a later time. Especially when we are working responsible Government though of a limited nature, what is the use, Sir, of an election unless it is worked on party lines, on well-disciplined party lines? What is the use of independent members without any fixed programme of work returned from this part or that part of the State people who are called in the language of a newspaper "Kottan", single candidates coming into this House ? Absolutely no advantage exists. So in the interests of the development of political parties in the State it is necessary that elections are fought on the right lines with a view to have stable ministry and with a very good opposition which is nothing other than an alternative Government. To achieve this an unconditional removal of this ban which is a shame upon the good name of the Government is necessary and the Government may be pleased to do it at the earliest opportunity, even by the morning of to-morrow, Sir, that is the appeal.

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Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I would like to add a few words. The notification by which public meetings were banned came into existence due to very special emergency conditions, and such notifications generally start with the preamble "whereas in the opinion of the Government an emergency has arisen....." My submission to the House is that the conditions which existed then have ceased to exist now and as such it is the duty on the part of the Government to pass a notification to the effect that whereas no emergency now exists the notification which existed then is hereby withdrawn. Let us consider the conditions from the stand-point of the war, Sir: there does not seem to be any danger whatever so far the Cochin State is concerned. From the standpoint of established Government as far as British Government is concerned there doesn't seem to be any trouble whatsoever and if there is no trouble in British India there can be no trouble here by way of repurcussion. So both the civil and military conditions warrant a withdrawal of the notification which has been introduced to meet certain special conditions. In the matter of meetings, Sir, for the purpose of the election it is absolutely impossible for the candidate by himself to convene meetings all over the constituency. It is practically expecting too much of the candidate if the intention of the Government is that the candidate should so over-work himself that he should by the time he comes up for election be not able to stand, then I think the Government has done very wisely. This seems to be rather a funny way of allowing a candidate to stand up to the date of the election and then make it impossible for him to stand up. So my submission to the House is that this sort of half-hearted sanction to the holding of election meetings should be revised, at least till the election is over. I am not, however, agreeing to the proposition that the Government will be right in doing it, but at least the date of the election every sort of restriction should be removed. Otherwise it will be absolutely impossible to put all the aspects of a candidate's case before the electorate because one may really know what exactly the Government will be taking offence at.

Then, Sir, let us see what exactly are the provisions of the ordinary Criminal Law. The Criminal Law now existing in the State, Sir, is sufficiently wide to prevent any person from creating any feeling against the Government or against individuals. The only point is they have not got the authority to act all on a sudden. But in cases where meetings of elections are held there is absolutely no reason whatsoever for the Government to contend that they have got to act in haste. They can very well think over as to what action has to be taken and very deliberately take action against those responsible for any breach of provisions of the ordinary law So under the existing circumstances, I think it is exceedingly unfair for any Government to have this sort of halting liberty extended to the people and take up the attitude that they having behaved in a most liberal fashion. In that notification the meetings that are allowed are those that are held exclusively used for the purposes of the election. The whole point is it is exceedingly difficult to define the limits of this convenient word "exclusively". I do not know what passed in the minds of the Government Officers when they used the exceedingly useful word "exclusively". A meeting held exclusively for election purposes can in my opinion entail all sorts of consequences. If it is a case where a particular candidate criticises the Government for certain actions and say that he is going to organise a party or that he is going to make some demands for the control over certain departments, then, Sir, it my be interpreted that it is not exclusively for the purpose of election. Thus one does not really know what exactly is the line drawn between the things which are exclusive for the election and things which are not exclusive for the election. Under these circumstances it is impossible to hold any meeting whatsoever. Therefore I hope the House will agree with me that there should be an absolute withdrawal of all sorts of restrictions till at least the election is over.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Sir, I support the motion. I was one of those who supported the ban in the initial stage when it was introduced, in the special circumstances. Now I want to bring one thing to the attention of the Government. The lifting of the ban should have nothing to do with the coming election. Even if an election is not impending the ban should be lifted. There can be only two reasons for continuance of this ban. Either the people of Cochin are exceptionally bad or the Government is exceptionally bad. Both of us mutually know we are good. The people of Cochin do not think that their Government is very bad. Nor does the Government think the people are exceptionally bad. Therefore there will not be any mis-understanding in the Cochin State, but there will be terrible misunderstandings outside the State about the Government, not about the people. No people outside will ever think that the people of Cochin have so deteriorated as to merit a ban like this, as to merit a senseless, useless ban like this. Therefore, on behalf of the Government I plead that this ban should be removed. And it should have nothing to do with the election coming. There will be a

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very difficult thing that the Government should consider in this matter. People may infer either the Government as a whole or certain part of the Government or certain officers of the Government are terribly afraid of people enjoying civil liberties. Sir, do you think giving occasion for such inference is good for a good Government like that of Cochin? My impression is the Government of Cochin is ill-advised in this matter (*hear, hear*). Rather the Government are not properly advised in this matter. Sir, in the British Cochin meetings can be held, There is no ban like this (*hear, hear*). In Mattancheri the meeting cannot be held. In Parur, Public Meetings can be held, but nearby in Chennamangalam the loyal and law-abiding subjects of His Highness the Maharaja cannot hold a meeting. I ask the Treasury Bench, to support the plea for removing this ban. For their own sake, I request them to do so. I was as I said one of those who strongly stood by the Government when they introduced this ban. I thought there was some necessity then. There is no necessity now, no necessity for the Government now. I want to bring to the attention of the Diwan the disabilities that the people undergo because of the continuance of this ban. Even ordinary meetings cannot be held. The application for permit is sent to the Division Inspector of Police. He will have to refer it to the Police authorities in the place where the meeting is going to be held. However expeditious he may try to become, he will not be able to promptly give sanction to the meeting. I have experienced that many a time. Ordinary meetings, without any political purpose cannot be held in Cochin State now. Why should the Government insult the people of Cochin like this without any necessity, that is what I ask the Government. In British India there is no ban, in Travancore, there is no ban. Cochin alone is to undergo this ban is rather a very hard fate of Cochin, which Cochin does not deserve. Therefore, I think this House should unanimously pass this motion. It should not be withdrawn unless a definite assurance is given that the Government is going to lift the ban. The Secretary to Government will stand up and say very many soft words. I request my friends to be unanimous. This motion should be passed unanimously, so that we may strengthen the hands of the head of the administration. Unless we get an assurance that the ban will be unconditionally removed, we should pass it. That is our duty. This is the only channel through which we can express our view to the Government. Therefore, I request all friends here to unanimously vote for this motion.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: On a point of information. വ്യക്തികം കൌൺസിൽ കഴിഞ്ഞ ഉടനെ ഞാനുൾപ്പടെ പല അനുദ്യോഗസ്ഥസാമാജികന്മാരും ഈ ബാൻ നീക്കണമെന്നു കാണിച്ചു് ഒരു ഹജ്ജി ഒപ്പിട്ടു് അയച്ചിരുന്നു. അതു ഗവമ്മെണ്ടിനു കിട്ടിട്ടുണ്ടോ?

Rama Varmha Tampuran, M.B.E. *(Secretary to Government)*: No.

*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഞാൻ ഈ മോഷനെ അനുകൂലിക്കുന്നു. ഈ നിയമം ഇവിടെ പാസ്സാക്കിയതിനുശേഷം ഉദ്യോഗസ്ഥന്മാരുടെ കർത്തവ്യബോധം എന്തൊന്നു വെളിപ്പെടുകയുണ്ടായി. ഒരു വിവാഹം കഴിഞ്ഞു ഭാര്യാഭർത്താക്കന്മാർ ഒരുമിച്ചു വീട്ടിലേക്കു പോയപ്പോൾ അതു് ഒരു പ്രൊസഷനാണെന്നു പോലീസുദ്യോഗസ്ഥന്മാർ തെറ്റിദ്ധരിച്ചു് അവരെ പിടിക്കുടി. ഈ നിയമമുണ്ടാക്കിയതിന്റെ ഉദ്ദേശമെന്തെന്നു് അവർക്കു മനസ്സിലാക്കാൻ സാധിച്ചില്ല. അതിനാൽ പോലീസുകാർ അവരെ പിടിച്ചു പോലീസ് സ്റ്റേഷനിലേക്കു കൊണ്ടുപോയി. ഇതാണു് ഉദ്യോഗസ്ഥന്മാരുടെ കർത്തവ്യബോധം. ഇത്രത്തോളം കർത്തവ്യബോധമില്ലാത്തവരാണു് പൊതുജനങ്ങളും എന്നു ഗവമ്മെണ്ടു വിചാരിക്കരുതു്. മറ്റുരാജ്യക്കാരെപ്പോലെയുള്ള സ്വാതന്ത്ര്യബോധം ഇവിടത്തെ ജനങ്ങൾക്കുമുണ്ടു്. അതിനെ അടിച്ചമർത്താമെന്നു വിചാരിക്കുന്നതു ഗവമ്മെണ്ടിന്റെ സൽപ്പേരിൽ കളങ്കം ചേർക്കുന്നതാണു്. അറേബിയൻ കടലിന്റെ സൈന്ദര്യറാണി എന്നു പ്രശസ്തി സമ്പാദിച്ചിരിക്കുന്ന ഈ രാജ്യത്തിൽ ഇങ്ങിനെ ഒരു നിയമമുണ്ടെന്നുവരുന്നതു സങ്കടകരമാണു്.

ബ്രിട്ടീഷിൽ ഇങ്ങിനെ ഒരു നിയമം ഇപ്പോൾ ഇല്ല. തുപ്പയാർ പുഴ അക്കരെ കടന്നാൽ അവിടെ പ്രസംഗിക്കാം. ആ പുഴയുടെ ഇക്കരയിൽ പ്രസംഗിക്കാൻ പാടില്ല. ഇമ്പീരിയൽ ഗവമ്മെണ്ടിനു് അവിടത്തെ ജനങ്ങളെ യാതൊരു ഭയവും ഇല്ല. ഇവിടത്തെ ഗവമ്മെണ്ടിനാകട്ടെ നമ്മളെ തീരെ വിശ്വാസമില്ല. ഈ അവസ്ഥ അന്യരാജ്യങ്ങളിലെ ജനങ്ങൾ അറിയുന്നതു് ഇവിടത്തെ ഗവമ്മെണ്ടിനു പോരായ്മയാണു്. ആറേഴായിരം മൈൽസ് ദൂരെയുള്ള ഗവമ്മെണ്ടിനു് ഇൻഡ്യാക്കാരെ വിശ്വസിക്കാം, ഇവിടത്തെ ഗവമ്മെണ്ടിനു് ഇവിടത്തെ ജനങ്ങളെ വിശ്വസിച്ചുകൂടാ! ഈ പുറത്തുള്ളവർ അറിയുന്നതു ലജ്ജാവഹമല്ലേ?

*Speech not corrected by the Hon'ble Member.

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അതുകൊണ്ട് ഈ നിരോധനം ഉടനെ നീക്കണം എന്നുള്ള അഭിപ്രായമാണുള്ളത് ഞാൻ ഇതിനെ പിന്താങ്ങുന്നു.

Mr. A. B. Salem *(Mattancheri):* Sir, I rise to support this motion. The very idea of this Legislative Council was mooted inside the State for the purpose of the people having a suitable place for the expression of their views and opinions about the Government. Freedom of expression is a valuable possession and so is the freedom of association and freedom of processions. The difficulty here to my mind is that our present Police Commissioner seems to be a gentleman who has come from a place where the Police and the people perhaps are always at logger heads and naturally his old training made him nervous also here about the people. Therefore, it is, Sir, that I told this House on the very first meeting that you presided here in this House, that we were giving him a long liberty to do what he pleased for some time and I said on that occasion that it is out of regard for him that we are keeping quiet, that we are not afraid to go to jail by using our freedom of expression and giving our speeches in public. Far from it. We are not afraid of facing jail life. But we wanted him to have some time more to understand us or to move happily with us. What is the fear of the Police to us? Here is a piece of country where, till two years ago, there were not even 300 people in the jail out of a total population of 15 lakhs. We are a law-abiding people, we know what our duties are, what decourm is, what respect we owe to the Government, even when they go wrong. We know our remedies. We do not want this gag upon our mouths. Similar things happened when Sir T. Vijayaraghavachari was the Diwan. There was a riot about something in Trichur, about some procession or other and it created some riot and for 365 days a gag was imposed upon Cochin. And every day, I used to put up a board here in Ernakulam, the first day, the second day and so on of the gag and when 365 days completed, the gag baby died. They wanted to remove it even before the period but I said, now, this baby should live for 365 days, and they could not remove it due to some correspondence and according to the prophecy, on the 365th day, the death came. Sir, we are not running riot. We know how to handle you constitutionally and in the best manner possible, quietly, persuasively and sometimes with some little threats, which we do not intend to carry out. When such is the condition in the country, is there any justification to continue the ban? One year and more have gone by and if the ban would not be removed now, when is it going to be removed? It does not require these restrictions If these restrictions continue, I for one can say that every one of these restrictions I will break. I will go to jail. I will stand a prosecution. That is certain. It is impossible to work under these conditions any election propaganda. Can the Police Commissioner stand for election and carry on propaganda under these limitations. Can any one do this thing? What is the nature of the gagging of our mouth? We have to give notice at the Police Station. He may say, I did not receive it. We must wait for permission. Otherwise, we must hold meetings inside our houses. Do we stand for election inside our houses? We want to stand by the side of the public road, in maidans, opening meetings, so that the entire constituency may know our views and what we have to tell them. We want to have motor cars and drive in them with microphones to talk to the people. We want to get into aeroplanes and drop leaflets and speak from the air. Many kinds of devises to attract the attention of the people, will be resorted to by the candidates and for that, is it possible with this condition of the ban? I am not going to say this is an insult to the Cochin Government, or the people. The Cochin Government never wanted to insult anybody. Out of their fear and trepidation, they passed these orders. We have not got a single gun, we have not got a single sword, we have not got lethal weapons. You, with all those things and with the additional military equipments nearby which you call for your purposes, with all that, are you so afraid of our little speeches and our tongues. Our tongues may wag a little. If we go out of the way somebody will say, he is out of the way. Therefore, there is absolutely no justification. I say, there was no justification even to impose that ban, though my friend Mr. Ayyappan said he supported it. If the Government want us, we will always support them. Let them please themselves for some time, but not for all time. As the learned Deputy President pointed out, it is childs-play, it is not Government's play. British Cochin and Mattancheri are lying close together. Suppose I stand on the boundary line on the bridge, all the people of Mattancheri will be on the other side and the British Cochin people will be on the other side and I will hold a meeting. The Police Commissioner can take away all the Mattancheri people, but we will go on, perhaps in the water below the bridge. Such things can be done. Meetings can be done on this side of the Bridge, without being disturbed. Why not allow our people also to do likewise here. Sir, I think the Police Commissioner should move in the matter and say, "I am satisfied, nowadays I think the

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people will not give any further trouble, we can lift the ban". If the people give any trouble, it is for him to see to it, to take action. If we go to the Government, the Government will say the Police Commissioner says it is not safe to allow the lifting of the ban. The Police Commissioner should say it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* He will say it now.

Mr. A. B. Salem *(Mattancheri):* Let us see. Let him say so. The Diwan cannot go about and see things for himself. He is bound to accept the opinion and advise of his constitional advisers. He is equally bound to accept the advise of this House also. This is an advisory body to the Government. Therefore, it is that we have tabled this adjournment motion. I am sorry, Sir, that the occasion came to give notice of this motion. If you simply said all bans are removed at least for a certain period, this adjournment motion would not have come up here. You have the chance to do so now. You must remove the ban unconditionally. I would say that no freedom of expression should ever be curtailed in the State now, nor at any time. The best way of silencing your opponent is by argument, by open trial, by open court work, so that everybody may understand that there is nothing hanky-panky behind one party or the other. The other method of silencing one's opinion and asking him to take your opinion as right is not meritorious. Fight it out openly, argument for argument and then we shall judge. We don't go riotous. At times some people may go riotous, but in what way? Some children may go about the streets, shout some slogans and go home and sleep soundly, and the next morning, there is nothing more of what happened the previous day. We have not got such meat-eating people who will say, come, we will fight, we want to break bones and heads. Here we have got poor vegetarians, and even they have not got sufficient quantities, even rice is not sufficient; at such a time who is going to fight. So that the question of use of the physical force is out of the consideration. Then what else is there? Wagging of the tongue. It will break no bones. Therefore, I would certainly plead with you, Sir, even if your Police Commissioner were to advise you otherwise, to accede to our request and we hope that the expression of opinion of this House constitutionally, would be respected by the Government, would be acceded to, and would be accepted and that will be all honour to you. I do not think I need say anything more. I conclude, Sir, with this request.

*മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: സർ, ഈ നോട്ടിഫിക്കേഷൻ ഗസറ്റിൽ കണ്ടപ്പോൾ തന്നെ യാതൊരു പ്രയോജനവും ഇല്ലാത്ത ഒരാനുകൂല്യമാണ് ഇവിടെക്കൊണ്ടു സംബന്ധിച്ചിടത്തോളം അതിലുള്ളതെന്ന മനസ്സിലായി. അതു കണ്ടപ്പോൾ ഒരു പെറിയ കഥയാണ് എനിക്കോർമ്മവന്നതു്. ഒരു രാജ്യത്തിലെ ഒരു രാജാവു് ഓരോ കുടിയാനും ഓരോ ആടിനെ വളർത്തണമെന്നു ആജ്ഞാപിച്ചു. ആടിനെ നല്ലവണ്ണം നോക്കണം; അതിനു മൂന്നുനേരം പുല്ലും വെള്ളവും കാണിക്കണം എന്നൊക്കെ പറഞ്ഞിരുന്നു. എല്ലാപേരും അങ്ങിനെ ആടിനെ വളർത്തി. അതിൽ ഒരു മിടുക്കൻ മൂന്നുനേരവും വെള്ളവും പുല്ലും കൊണ്ടുപോയി ആടിനെ കാണിച്ചു് അതു തിരിച്ചു കൊണ്ടുപോരും. അങ്ങിനെ ഒരാഴ്ച കഴിഞ്ഞു. ആടുകളെ പരിശോധിക്കുന്നതിനു രാജകീയ വന്നപ്പോൾ അവന്റെ ആടു മാത്രം ചാകാറായിട്ടുണ്ടു്. കാരണം ചോദിച്ചപ്പോൾ അവൻ കല്പന ശരിക്കു് അനുസരിച്ചുവെന്നാണ് പറഞ്ഞതു്. പുല്ലും വെള്ളവും കാണിക്കണം എന്നല്ലാതെ കൊടുക്കണമെന്നു പറഞ്ഞിരുന്നില്ല. അവൻ അതനുസരിച്ചു പ്രവർത്തിച്ചു. അതുകൊണ്ടു് അവന്റെ ആടു ചാകാറായി.

ഇതുപോലെയുള്ള ഒരു ആനുകൂല്യമാണ് ഞങ്ങൾക്കിപ്പോൾ അനുവദിച്ചതുന്നിരിക്കുന്നതു്. ഈ ആനുകൂല്യംകൊണ്ടു യാതൊരു പ്രയോജനവും ജനങ്ങൾക്കില്ല. അതിനാൽ അതൊന്നു മാറി ജനങ്ങൾക്കു പ്രയോജനപ്രദമായ രീതിയിലുള്ള ഒന്നാക്കി തന്നാൽ കൊള്ളാമെന്നുള്ള അപേക്ഷ മാത്രമാണ് എനിക്കുള്ളതു്.

Mr. M. Nanu Menon *(Ernakulam):* Sir, I support this motion. We, the subjects in Cochin are the most loyal and law-abiding subjects of His Highness the Maharaja. Being so, I do not for a moment think there is any necessity for a ban of this type. Then how did it come? In British India, the British Government had arrested Mahatmaji and those Congressmen there who staged some demonstration and some misguided men might have used physical force. Here also

*Speech not corrected by the Hon'ble Member.

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some students abstained from going to colleges and some Congressmen wanted to make a public speech. Here also some physical force there was, but that was from the Government side, not from the public, the Police used force. Anyhow, in British India they have lifted the ban, in all other adjoining States they too have lifted the ban, Cochin is calm and peaceful and there is no necessity for a ban of this sort at present. When the elections are coming it is not the candidates, whether sitting or standing who will speak, but it is their henchmen who will speak. But they are not allowed to speak. Only if they are allowed to speak, they will speak something about their candidates, that they are better than Mr. Ezuthassan or they will say, their candidates are like my friend Mr. Iyyu who is making ministries and unmaking ministries and so on. This sort of lifting the ban conditionally is of no use. Unconditional lifting is what is wanted. I therefore strongly support this motion.

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I support this motion. The request of the House is a very modest one. We do not want the Government to repeal the Defence of India Rules or the series of rules framed thereunder. We do not want to repeal the Indian Penal Code or the Cochin Penal Code. We want only the freedom of expression, the removal of the ban so that freedom of speech may be given to us. That is a very fundamental thing and a very modest thing. We represent the people as a whole. We may hold different views just as the people hold different views. We represent the people of Cochin as a whole. We may hold different views in our various capacities there may be conservatives, leftists, rightists, but we represent the people as a whole. Nobody said anything against the Government or His Highness the Maharaja of anything seditious. Sir, my submission to the Houes is that this notification was issued under the Defence of India Act under certain circumstances. What was the condition before? The condition was we had absolute freedom to deliver speeches or hold meetings. The only thing is we could not make seditious speeches. Under the Penal Code that is an offence and the speakers will have to be proscuted. That was the only thing which would keep a man in check when he is addressing meeting.

Mr. A. B. Salem *(Maitanchari)*: That will remain still.

Mr. A. V. Moothedan *(Chalakkudi)*: Yes, I am coming to that point. After the war broke out the Defence of India Act was passed and we have to see that war-efforts are not prejudicially affected. Regarding that there is no difference of opinion. Every member of this House may say, all people in Cochin State are very anxious that the war efforts should not be prejudiced. If any man, if any individual, stray individual ascending a platform makes a speech prejudicially affecting the war efforts, thers is the Defence of India Act and the series of rules framed thereunder under which he could be proceeded against. The Government have the power to prohibit him from addressing any meeting again or he can be prosecuted. Are not these powers sufficient? Why should in the name of a few individuals—I do not admit there are such individuals—but for argument's sake we may suppose there are a few such individuals—why should the freedom of 15 lakhs of people be curtailed. What is the justification for that? Therefore, my submission to the House is this ban should be unconditionally withdrawn. The notification is very, vague and half-hearted and there are some ways of overcoming it. A candidate can after giving notice convene a meeting. Any body can convene a meeting saying that he proposes to stand for the election. It can be done till the nomination paper is filed. After the time for the filing of the nomination paper one may not do that. Instead of allowing the people to do such mean tricks, why can't the Government take a realistic attitude and follow what is done in other States. I have heard in my experience of the House for the last 10 years a wonderful argument brought by the Government whenever we bring in any measure which they do not find it convenient to accept. They would say there is no such thing in British India, there is no such provision in Travancore or Mysore and therefore we cannot do it here. If that kind of argument is to be followed here, the Government will have to support us, because in British India there is no ban, Travancore there is no ban. Therefore that argument also won't stand. There is no argument to oppose this motion. Therefore I have this motion will be unanimously passed by this House.

Mr. M. Krishna Menon *(Trichur North)*: Sir, we, the loyal subjects of Cochin are singularly fortunate in the receipt of boons at the hands of the Government. But some boons are capable of dubious interpretation, some of misinterpretation and some of interpretation leading to a nullity of the boon. Notification number 118, under sub-rule (1) of Rule 56 of the Defence of India Rules gave us the news of the war abroad, and to fall in line with the other.

* Speech not corrected by the Hon'ble Member

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The ban on public meetings and processions was initiated in Cochin also on February 20th 1943. In a State like Cochin, where if bans and restrictions were not in force the loyal subjects of His Highness the Maharaja would keep and maintain a peaceful atmosphere, congenial, extremely congenila to the attainment of the war aims, the introduction of this ban began to trouble the minds of the public as well as the spokesmen of the public, Sir. Wonder of wonders it is to my mind, Sir, that notwithstanding the keenest agitation both in the Press as well as inside the Council, the ban still subsists in Cochin when we find that the same has been lifted in British India and in Travancore. When we seek for the sweet mango, we are given in return the stone in the mango, Sir. The present Notification No. 77, I hope has been read by the Hon'ble Members before this House. But I would argue it in this way, that even if this notification had not been published, the Notification No. 118 published on 20th February 1943, remains in force, by which we could request our kind Commissioner of Police to give us permission to hold meetings, and in as much as he must be aware of the impending election, I am sure he will not refuse any permission for the holding of a meeting in connection with the election. We have not advanced an inch more from the Notification No. 118. Some people believe that Notification No. 77 is only a clarification of the position that an election is to take place soon. Under No. 118 itself we are sure that we will get permission if we apply to our Commissioner of Police for sanction to conduct meetings for election purposes. Sir, I crave the indulgence of the Chair whee I cite a puranic story of Bhasmasura and Mohini. Bhasmasura asked for a boon of Siva. It was granted. But the boon was to be tested upon Siva himself. Bhasmasura ran after Siva to touch his head. Siva was in trouble. He sought the help of Vishnu. Vishnu in the guise of Mohini began to dance before the Asura, and the Asura falling in love with Mohini also began to dance and in the course of the dance was made to touch his own head, and his head broke. We are the Asuras in the eyes of the Government, and we thought a real boon would be given to us. On the other hand something has been given to us which is highly detrimental to our cause.

Now, taking stock of the position in British India and in the neighbouring State of Travancore, Sir, Cochin State becomes the laughing stock so far as this ban is concerned. It is unnecessary in the present atmosphere, and it is even necessary to lift the ban in view of the impending election and the high fever with which the candidates will have to run about and canvass. Sir, I do not want to waste the time of this Hon'ble House by dilating upon this subject any more. I think my predecessors have touched all the points.

Mr. Joseph Pettah *(Adur)*: Sir, I beg to support this motion most heartily and in doing so I associate myself with all the arguments advanced by the various Hon'ble Members on the floor of this House, except with a few stories. I request the Government would be pleased to accede to our request and remove the ban unconditionally without any delay.

Mr.C. V. Iyyu *(Kunnamkulam)*: Sir, Mr. Salem, the Hon'ble Member for Mattancheri, referred about a ban which happened years ago, when probably I was a boy and he a young man. Even then I have heard that portions like Vadavukode were excluded from the ban and it seems the late Rao Sahib P. K. Verghese, the ex-Chairman of the Ernakulam Municipality had gone to the extent of going to Vadavukode to convene a meeting and passing resolutions against it. Even then there were people in the State to request the Government to remove the ban and that in the most constitutional way and the most law-abiding way. Of course, the present generation, as the Hon'ble Member for Ernakulam said, has been very loyal to His Highness. As was said this ban has been there for more than two years and it started probably with the unfortunate incident of the Police Strike. This partial lifting of the ban has probably the result of breaking the head of the Asura, as the Hon'ble Member for Trichur North said. There has been certain indications of the breaking of the head of the Asura in a leading article in the Trichur Daily "Gomathi." I am reading the English translation of the Malayalam portion of the article.—

The position of the Member who stands for election who unfortunately happens to be a member of this House at present is dangerous; if he stands for election the learned editor advises the people of Cochin as to what should be the policy of the peole of Cochin when receiving these members in election meetings. Probably in the case of the Bhasmasura it is the might of God Vishnu that has broken his head. In this case the might of human beings might break our heads. The learned editor has not asked the people to throw stones at us or to shoot us. He has been good enough to avoid that. I am not myself a lawyer. I am reading things which have been seen in the Press. Of course, I do not think

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that the partial lifting of ban as stated in the recent order of the Government is better than the complete ban which was existing here. The result is practically the same as expressed by the Hon'ble Members of this House. I doubt whether the editor is perfectly right that only members who stand for election are allowed to speak. Under the Govarnment order if I remember it correctly the members or candidates or intending candidates are only privileged to convene meetings and I think anybody can stand and speak in the meeting. Anyway, if that much could be allowed the complete lifting of the ban won't cause more trouble than allowing all the others who want to speak to do so. We have the satisfaction that we have done our best to see the ban lifted. I also plead that if at such a time when there is election fever rampant in the State, the people of Cochin have been sufficiently prudent and moderate in expressing their views on important political views in public meetings and if the Government is convinced, the Government will also feel that there is absolutely no necessity to continue the ban even after the election. Let the Government give the people a chance to see at a most critical moment whether they use the privileges extended to them in the proper way if it is being abused it is left to the Government to introduce the ban afterwards. This ban has been in existance for the last 2½ years. As the Hon'ble Member for Cranganur has stated, the Criminal Law is sufficient to include all these things and steps may be taken to punish persons who are the actual offenders. I also join with the chorus of all the other speakers to lift the ban.

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I beg to submit a few words in addition to what has been submitted by the Hon'ble Members who preceded me. It is a well known fact that these laws were brought into force in Cochin at a time when there was a little apprehension, however small it may be, of some trouble in the political arena. It is more than plain now that those circumstances have disappeared and probably no reason subsists why the Government should persist in imposing this ban on public meetings. The necessity for removing the ban at this stage is the circumstances of the impending elections. I am extremely thankful to the Government to note that they have known the necessity of propaganda and also have been pleased to lift the ban to the extent they have done. The question whether it is sufficiently or not has more than sufficiently been explained by my predecessors, and I hope the Government will completely lift the ban. All the other aspects have been explained by the previous speakers. In practice when this notice contemplated is actually delivered to the stations or sent to them it may more or less happen that at times it is not delivered at the proper time or it has not reached the destination. Well, the difficulties that may entail by such a defect upon the candidate are very serious. The agencies of the Government who have been executing these orders, (our prior experience has shown) have fully educated us as to what would be the result. I personally am aware of an instance where the anniversary and guardians' day meeting of the Sirkar High School was held. There was an anniversary meeting and the war propaganda officer was present. There was a farce enacted and even prizes—medals were distributed by the Organizer. Three or four days after this the Headmaster was served with a notice by the Commissioner of Police to show cause why action should not be taken against him. *(Shame)*. That is the State in which we are living and all the more reason why we are apprehensive. We are conducting election meetings for coming to this House and not to go to the Central Jail at Viyyur. Is it not amusing, Sir, to see that on the other side of the Kalvatty Bridge about 20 or 25 yards away from the boundary all the labourites here and the various associations functioning here cross over to hold public meetings and with a Cochinite President and with a Cochinite Lobour audience resolutions are passed and they come down here imbued with all the ideas. It is far more amusing than the sight I once saw when there was difficulty to get food. The people crossed over to British parts, cooked their food there, ate as much as they wanted and took away packets of rice to Cheruthuruthi. This is much more amusing than that. Therefore, I hope that the Government will be pleased to take note of these points and raise the ban completely and give us freedom of speech in the State.

*മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി : സർ, ഞാനും ഈ മോഷനോട് യോജിക്കുന്നു. എനിക്ക് ഒരു കാര്യമാണ് അറിയുവാനുള്ളത്. എന്തിനാണ് ഗവണ്മെണ്ട് ഈ പൊളിറ്റിക്കൽ നിരോധനം വെച്ചുകൊണ്ടിരിക്കുന്നത്"; എന്താണ് അതിന്റെ ആവശ്യം ? ഈ നിരോധനാജ്ഞ ഉണ്ടാക്കിയതിനു ശേഷം അതിനെ ലംഘിച്ച് ആരെങ്കിലും ജയിലിൽ പോയിട്ടുണ്ടോ ? അങ്ങിനെ ആരും പോയിട്ടില്ലെന്നുള്ളതിൽനിന്ന് എല്ലാപേരും ഗവണ്മെ

*Speech not corrected by the Hon'ble Member.

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ണ്ടിന്റെ ആജ്ഞയെ അനുസരിക്കാൻ തയ്യാറാണെന്നു കാണാവുന്നതാണു്. ഇന്നു് ഈ നിരോധനാജ്ഞ എടുത്തുകളഞ്ഞാൽ ആകാശം പൊളിഞ്ഞു താഴെ വീണുപോകുമോ? അഥവാ വല്ല കുഴപ്പവുമുണ്ടെന്നു തോന്നുന്നു. ഉടനെ വീണ്ടും അതു നടപ്പിൽ വരുത്താവുന്നതുമാണു്. ഒരിക്കൽ പ്രയോഗിച്ചാൽ അതു വീണ്ടും വേണമെങ്കിൽ പ്രയോഗിക്കുവാൻ പാടില്ലാത്തതൊന്നുമല്ലല്ലൊ? ഒരിക്കൽ പ്രയോഗിച്ചാൽ പിന്നെ പ്രയോഗിക്കാൻ പാടില്ലാത്ത ചില ആയുധങ്ങളുണ്ടു്. ഇതു് അങ്ങിനത്തെ ഒരായുധമല്ലല്ലൊ. ഇങ്ങിനെ ഈ നിരോധനാജ്ഞ വെച്ചുകൊണ്ടിരിക്കുന്നതിലും ഭേദം ഞങ്ങൾക്കു് ഇവിടെ വരാനൊ പ്രസംഗിക്കാനൊ ഒന്നും പാടില്ലെന്നു ഒരു കല്പന പുറപ്പെടുവിക്കുന്നതായിരുന്നു. "നിങ്ങൾ ഒന്നും ഇവിടെ വന്നു പറയേണ്ട, ഞങ്ങൾ പാസ്സാക്കുന്നതൊക്കെ നിങ്ങൾ അനുസരിച്ചുകൊള്ളണം" എന്നൊരു കല്പന നിങ്ങൾക്കുണ്ടാക്കരുതോ? എന്തെങ്കിലും ഒരു വിധിതാപം ചെയ്താൽ അതിനെ തുടർന്നു പിന്നെയും ഓരോ വിധിതാപം പുറപ്പെടുവിച്ചുകൊണ്ടിരിക്കണമെന്നുണ്ടോ? ഞങ്ങൾക്കു മീറിംഗുകൂടാനൊ പ്രസംഗിക്കാനൊ പാടില്ലെങ്കിൽ പിന്നെ ഞങ്ങൾക്കു പൊതുജനങ്ങളെ ധരിപ്പിക്കുവാനുള്ളതു കഥകളിപോലെ ആംഗ്യം കാണിച്ചാൽ മതിയോ? എലക്ഷൻ മീറിംഗുകളെക്കുറിച്ചു പറയുകയാണെങ്കിൽ എനിക്കു് ഈ ബാൻകൊണ്ടൊന്നും വരാനില്ല. പുഴയിൽകൂടി പോയി തോണിയിൽ ഇരുന്നുകൊണ്ടുതന്നെ എനിക്കു കാണേണ്ട ആളുകളെ കണ്ടു പറയേണ്ടതു പറയുവാൻ കഴിയും. എന്റെ കാര്യംകൊണ്ടല്ല ഞാൻ പറയുന്നതു്. ഇങ്ങിനെ ആവശ്യമില്ലാത്ത ഒരു നിയമം ഇവിടെ എന്തിനു വെച്ചുകൊണ്ടിരിക്കുന്നുവെന്നാണു് എനിക്കു ചോദിക്കുവാനുള്ളതു്. ഈ നിരോധനം ചീത്തയാണെന്നുകണ്ടു ബ്രിട്ടീഷിൽ വേണ്ടെന്നു വെച്ചു. എന്നാൽ ഇവിടെ അതു പിടിച്ചുയും വെച്ചുകൊണ്ടിരിക്കുന്നു. ബ്രിട്ടീഷിൽ കൊള്ളാത്തതു് ഇവിടെ നന്നാകുമോ? ഇങ്ങിനെ ചീത്തയായിട്ടുള്ളതൊക്കെ കൊണ്ടുവന്നു വെക്കാനുള്ളതാണോ കൊച്ചിരാജ്യം എന്നാണു ഞാൻ ചോദിക്കുന്നതു്. ബ്രിട്ടീഷിൽ ചീത്തയായി തള്ളിയ അരി ഒക്കെ ഇവിടെ വാങ്ങിക്കൊണ്ടുവരും. ഈ നിരോധനാജ്ഞ എടുത്തുകളഞ്ഞാൽ ഞങ്ങൾ തല്ലാനൊ തലപൊളിക്കാനൊ ഒന്നും പോകുന്നില്ല. അതിനാൽ ഈ ബാൻ എടുത്തുകളയണമെന്നു മാത്രമേ എനിക്കു പറയുവാനുള്ളു.

Mr. A. Eachara Menon *(Chittur Rural)*: Sir, much has been said very forcibly to bring home to the Government the opinion of the elected members of the Cochin Legislative Council. I fear in drafting this notification the practical side of things has not been looked into. Suppose a candidate stands for election in my constituency and he wants to conduct election meetings at five places. He has to give notice to the Kozhinjampara Station. There are only one head constable and four constables there. If the head ocnstable goes to one place we will be left to the mercy of these four constables. Can the Government do anything more harmful to us than to place us at the mercy of a police constable whose culture and integrity are known to the Government to report what had been said in the meeting to the head of the Police Department. The Police Commissioner being not present he is bound to believe what the reporter has said. What is our position? Has a constable more respect for the law and loyalty to His Highness than we? I think not. We have been very loyal to His Highness the Maharaja and we have been very, very subservient to the officers of the State. Have we said a single word against what the Government have been doing regarding the paddy collection? Before that we were using the paddy for ourselves. But you said "No. You will be given only so much". That was the time when we should have done anything. Did we do it? No. Therefore, if the ban is not fully raised there is no object gained by this partial raising of the ban.

മിസ്റ്റർ പി. നാരായണമേനോൻ: സർ, അഭിപ്രായവ്യത്യാസമില്ലാതെകണ്ടു് ഒരു കാര്യവും ലോകത്തിൽ ഉണ്ടാകയില്ല. ഇതിനു മലയാളത്തിൽ ഒരു പഴഞ്ചൊല്ലുണ്ടു്, അമ്മയെ തല്ലിയാലും രണ്ടുപക്ഷമുണ്ടു് എന്നു്. അമ്മയെ തല്ലുന്നതു വളരെ അന്യായമാണു്. അതു് എല്ലാവരും സമ്മതിക്കുകയും ചെയ്യും. എങ്കിലും അതു നീതീകരിക്കുവാനായിട്ടു ചില ആളുകൾ പുറപ്പെട്ടുവെന്നും വന്നേക്കാം. ഇങ്ങിനെ അഭിപ്രായവ്യത്യാസമില്ലാത്ത കാര്യങ്ങൾ ലോകത്തിൽ നന്നെ അപൂർവ്വമാണു്. എന്നാൽ ഈ നിരോധനാജ്ഞയെ സംബന്ധിച്ചു മാത്രം ഒരേ ഒരു അഭിപ്രായമല്ലാതെ മറ്റൊരഭിപ്രായക്കാർ ആരുംതന്നെ ഉണ്ടെന്നു വിചാരിക്കുവാൻ ന്യായമില്ല. ഈ കൌൺസിലിൽതന്നെ പല കക്ഷികളിൽപെട്ടവരും പല സമുദായങ്ങളിൽപെട്ടവരും പല അഭിപ്രായങ്ങൾ ഉള്ളവരും എല്ലാം ഒരേഒരു മനസ്സോടുകൂടി ഒരേ ഒരു അഭിപ്രായത്തോടുകൂടിയാണു് ഇതിനെ പ്രതിഷേധിച്ചിട്ടുള്ളതു്. ഈ രാജ്യത്തു് അധിവസിക്കുന്ന പതിനാലു ലക്ഷം ജനങ്ങളിൽ ഒരൊറ്റ മനുഷ്യനെങ്കിലും ഇതിനു വിപരീതമാ

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യിട്ട് ഒരു അഭിപ്രായം പുറപ്പെടുവിക്കുമെന്ന വിചാരിക്കുവാനും ന്യായം കാണുന്നില്ല. ഞാൻ ഇതിനെപ്പറ്റി പലതോടും സംസാരിച്ചിട്ടുണ്ട്, അവരുടെ അഭിപ്രായങ്ങളും മനസ്സിലാക്കീട്ടുണ്ട്. ഞാൻ കണ്ട സംസാരിച്ചിട്ടുള്ള ഒരു മനുഷ്യനെങ്കിലും ഇതിനെ സംബന്ധിച്ചു പ്രത്യേകിച്ചിട്ടുള്ളതല്ലാതെ ഇതു നിലനിറുത്തിക്കൊണ്ടുപോകേണ്ടതാണെന്നു അഭിപ്രായപ്പെട്ടിട്ടില്ല. ഈ ബാൻ നിലനിറുത്തിക്കൊണ്ടുപോകുന്ന കാര്യത്തിൽ വല്ല അനുകൂലാഭിപ്രായവും വല്ലവർക്കും ഉണ്ടെങ്കിൽ അതു നമ്മുടെ ഗവമ്മെണ്ടിനു മാത്രമാണു്. അങ്ങിനെയുള്ള ഗവമ്മെണ്ടിന്റെതന്നെ അത്യുന്നതന്മാരായ ഉദ്യോഗസ്ഥന്മാരിൽ നിന്നു ശതമാനം ആളുകളും ലൌകികമായ നിലയിൽ ഇതിനു വിപരീതമായ അഭിപ്രായക്കാരാണെന്നു അവർ സ്വകാര്യനിലയിൽ സമ്മതിക്കും. അതിനാൽ സകലതും ഒന്നുപോലെ വെറുക്കുന്നതും കഴിയുന്ന വേഗത്തിൽ റദ്ദാക്കേണ്ടതാണെന്ന പൊതുവെ അഭിപ്രായമുള്ളതുമായ ഈ നിരോധനാജ്ഞയെ എന്തിനു നിലനിറുത്തിക്കൊണ്ടുപോകുന്നുവെന്നു മനസ്സിലാകുന്നില്ല. ഒന്നുകിൽ ഗവമ്മെണ്ടു പൊതുജനഹിതം എന്തെന്നു് അറിഞ്ഞിട്ടില്ല, അല്ലെങ്കിൽ പൊതുജനഹിതമനുസരിച്ചു പ്രവൃത്തിക്കുവാൻ ഗവമ്മെണ്ടു തയ്യാറില്ല എന്നുവേണം വിചാരിക്കുവാൻ. ഏതായാലും ഇതു് ഗവമ്മെണ്ടിന്റെ പേരിൽ ഒരു അപരാധമാണു് എന്നു പറയാതെ നിവൃത്തിയില്ല. ഗവമ്മെണ്ടു് ഇന്നും ഈ ബാൻ വെച്ചുകൊണ്ടിരിക്കുന്നതു് അപകടകരമാണെന്നു മനസ്സിലാക്കേണ്ട കാലം അതിക്രമിച്ചിരിക്കുന്നു. ഞങ്ങൾ ഉണ്ണിലന്മാരാണു്, സാധുക്കളാണു്, പട്ടിണികിടക്കുന്നവരാണു്. പക്ഷേ ഭീരുക്കളല്ലെന്നുള്ള സംഗതി ഗവമ്മെണ്ടു പ്രത്യേകം മനസ്സിലാക്കേണ്ടതാണു്. പൊതുജനഹിതത്തിനു വിരോധമായ ഗവമ്മെണ്ടിന്റെ ഇത്തരം പ്രവൃത്തികളെ കുറെക്കൂടെ ഞങ്ങളുടെ ജന്മസിദ്ധമായ രാജഭക്തികൊണ്ടു ക്ഷമിക്കുവാൻ സാധിക്കും. അതു അതിരുകവിഞ്ഞുപോകയാണെങ്കിൽ ഞങ്ങൾക്കു ക്ഷമിക്കുവാൻ സാധിക്കുകയില്ലെന്നും അതുനിമിത്തം വിപരീതമായ ഫലം ഈ രാജ്യത്തു സംഭവിക്കുമെന്നും നമ്മുടെ ഗവമ്മെണ്ടു മനസ്സിലാക്കേണ്ടതാണു്. അതുകൊണ്ടു യാതൊരാൾക്കും അനുവദനീയമല്ലാത്തതും നമ്മുടെ അയൽരാജ്യക്കാർ അധിക്ഷേപിച്ചുകൊണ്ടിരിക്കുന്നതുമായ ഈ നിരോധനാജ്ഞ മുഴുവൻതന്നെ റദ്ദുചെയ്തു ഗവമ്മെണ്ടിന്റെ സൽപ്പേരിനെ നിലനിറുത്തുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. അതിലേക്കായി ഞാൻ ഗവമ്മെണ്ടിനോടു പ്രത്യേകം അപേക്ഷിക്കുകയും ചെയ്യുന്നു.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I move that the question be now put.

Mr. A. B. Salem *(Mattancheri)*: I second it. That is a closure motion.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: If the closure motion is carried the Government member can speak.

Rama Varmha Tampuran, M.B.E. *(Secretary to Government)*: On behalf of the Government the Police Commissioner, myself and the Law Member must speak.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: If they want to talk out the motion I have not the least objection.

Mr. President: Order, order. That must be left to me.

The closure motion was put and carried

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police)*: Sir, perhaps in the first place there is certain amount of misapprehension regarding this question of ban on public meetings. The Government will be the first agency to realise responsibility to safeguard the liberties of its people. Besides doing that, every Government has got certain other responsibilities also. Some times these responsibilities may clash. It is very wrong for anyone to believe that this present ban is continued because of any political reasons or because of any suspicion regarding the conduct of the people in Cochin State. The people of Cochin are too well-known to require a statement on the floor of this House that they are always well-behaved, highly educated and of the best standard. If the ban is continued, it is not imposed definitely for the reason that the people are suspected to be of a violent temper or are likely to create a breach of the public peace, nor is it to put any particular political party to a disadvantage. It is purely one of those necessary adjuncts to the war conditions. It is just like one of those restrictions which prevents a man from buying a tyre. If you want to buy a tyre you have to go through certain formalities. It may be one of those conditions to which you are submitting—just like your not being able to buy rice even though you are prepared to pay for it. How many more such restrictions are we not going through without a protest. If we put up with such experiences it is just because we know that it is inevitable and necessary in the larger interests of the country.

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Apart from the restrictions here in India, I am told that even in countries like England it is an offence to have a flap on a coat pocket. The position is so all the world over.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: Even there they can hold meetings.

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police)*: What I want to assure this House is that if this ban is continued, it is essentially a necessary element to meet the war conditions and essentially necessary for security purposes. And for security reasons all over India and perhaps throughout the world, what is called censorship is being exercised. All the press news are censored, all private letters are censored and all telegrams are censored. Similarly censorship of speech is being exercised by a restriction like this ban. One can send a telegram or write a letter but they will be censored which means it is not a total ban. So I must impress upon the Hon'ble Members that the Government who are responsible for the maintenance of the liberty of the people, are in the least inclined to interfere with their liberties. It may not be a speciality to Cochin State alone. Cochin is peculiarly situated from the point of view of war because it has a port. Cochin is quite different from what Travancore may be, or what Malabar District may be and what Coimbatore may be. So Cochin with its Harbour has to be classed with cities like Madras and Bombay. In cities like Bombay and Madras which have got ports they perpetually have this ban and the citizens of those cities live without a protest. Any procession or meeting in the city of Bombay or Madras must be covered by licenses issued by the Commissioner. Even a funeral cannot be taken out without a license. Even a marriage procession should not be taken out without a license. There they have got a perpetual restriction like that, the Police will be informed and the Police will approve of an act of this kind to hold a meeting or to take out a procession. When those cities having ports are subjected to certain restrictions permanently, it becomes necessary in our case also. In the city of Calicut a meeting cannot be held without a license. There are several instances like that. This is not a speciality to Cochin alone and it has no reference whatsoever to the political condition obtaining here. It is entirely with reference to the war conditions. Then again the Hon'ble Members are aware how, this restriction was passed and how gradually, with the object of causing the least amount of inconvenience to the public, as far as possible and consistent, with our responsibility towards the war security measures, restrictions are being relaxed from stage to stage. I might say that though we have had this restriction in force, no case has been prosecuted for the violation of this ban, though there has been a certain number of cases of infringing the law in this matter. Many of those cases were let off with a warning, and with instructions that it may not be repeated. In any case the granting authorities are always ready to accommodate the requirements of the general public. As regards the present position about the elections, the ban on public meetings is not anything newly imposed. The ban has already been there and the ban has no sort of reference with the coming elections. But for practical purposes of giving all possible facilities for the successful electionaring campaigns, the ban has been relaxed to the necessary extent; and so it cannot be argued that the ban has got a direct reference to the elections. The elections are coming on. Under the present exemption it does not mean that the candidate alone can speak. Under his responsibility all his supporters can always speak and that sort of public meeting can always be convened in any place.

Mr. A. B. Salem *(Mattancheri)*: Can his supporters hold a meeting?

Mr. President: On his authority.

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police)*: The Hon'ble Member for Chittur seems to be suspicious about the notice to be given to the Police. That is not much a difficulty as to handicap the candidate. It is meant more to help the candidate and the Hon'ble Member for Narakkal will bear testimony to the importance of giving notice to the Police and the Hon'ble Member for Chalakkudi will very much appreciate that this condition is imposed. That was only a bye-election. But in the general elections it will be much more necessary. We are prepared as public servants to take notice of any meeting which a candidate may wish to hold and on that notice our intention is to see that the meeting is properly held without any interference from anybody.

Mr. President: If another Hon'ble Member wishes to speak on behalf of the Government I think it is better that the Hon'ble Member concludes.

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police)*: I have said all that I have to say. Firally, if it is not possible under the present restriction to hold more meetings, the less he abuses his opponents, and his opponent abuses him the less. So, I earnestly suggest to the Hon'ble members not to be carried away by the mandate given to them

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by the Hon'ble Member Rao Sahib Ayyappan, but to consider their position in the light of what I have said.

Rama Varmha Tampuran, M. B. E. *(Secretary to Government):* Sir, after hearing the very elaborate and clear exposition of the Government view by the Commissioner of Police (*hear, hear*) there is very little for me to add. But I would like to stress one point and bring it to the notice of this House. I would like the house to remember just the genesis of this ban. This ban was first imposed at the time of the Police strike in 1942 May. Then the Government imposed the ban only for just a month. They imposed this ban in May 1942 just for a month. There was a local need for it and the Government acted in the best interests of all concerned. After that one month the ban automatically expired. The Government did not renew the ban then. Then started the disturbances of August 1942. This Government are not resposible for those disturbances elsewhere. But there were repercussions of that in this State. As every Member here knows there were very strong repercussions of the movement started elsewhere in this State and Government were then forced to reimpose this ban. They first reimposed it only for two weeks. Later on they found that the situation in British India had not stabilised. Naturally they were forced to extend this ban. They extended it for a short time again. But they found that the circumstances were still in a rather unhappy condition and we did not know what would be the repercussions here if we lifted the ban and we had to continue it. Was the situation there completely stabilised? Can we say now that there won't be any repercussions here on account of the happenings there? Can we say that all that was started in 1942 May has completely subsided? Of course, the Hon'ble Members will ask me whether the ban there has not been lifted. I would say that the banning of public meetings is not the only way of preventing wild public opinion being spread. There are other ways also. We do not know what all other remedies they have resorted to. We have not resorted to any other remedies. The only remedy that we have resorted to is this ban, a very harmless thing, a thing which affects less personal liberty. Therefore, we have acted in the very best interests of the people and for what we had to do we were not responsible. We were forced to do it. As I pointed out in the first instance we imposed this ban only for one month and we allowed it to expire when the local need ceased. Then situations elsewhere developed and we had to act keeping an eye on that. We do not know whether we are now at liberty to say that that situation has completely solved itself, and if it has not can you blame this Government for continuing the ban? Certainly not. You can arbitrarily say so. All the public outside and the Hon'ble Members themselves in their hearts feel now a qualm of conscience and ask themselves whether after all there is not something in what the Secretary states. There is. If it were our intention perpetually to gag the public why did we allow the first ban to expire? That was in May 1942. We could have continued it. Honestly that was not the reason. Because of situations elsewhere we were forced to resort to it and in so far as that situation in a way continues we have to act in the best interests of the State it was in the course of this meeting that this election came. Then the Government thought that we should give an opportunity for the election to be fought in the fairest possible way and they lifted the ban to the extent necessary for an election to be fought. There is no point in the Hon'ble Members' apprehension that this particular notification will be used against them. That is really very uncharitable. Knowing the history of this Government as they very well do it is uncharitable on their part to suppose that we have issued this notification just to harm them. If that is not the opinion of the House I do not know what is there to complain about. All that is necessary to hold an election has been provided by the exemption. There is not the slightest doubt that a notification like this will be worked as sympathetically as any Government will do it. There is absolutely no reason to suspect that the Cochin Government are out to harm the public and just as a bait as it were this notification has been issued. That is really very uncharitable. Therefore, I submit to this House that if we have allowed this ban to continue we have done it out of circumstances over which we had no control. In the meanwhile came in the election and ample opportunities had to be provided for the election meetings to be held and this had been done by the exempting notification. Therefore, really there is no ground for the public to complain.

Mr. C. V. Iyyu *(Kunnamkulam):* The Hon'ble Secretary to the Government said that there are several other methods other than banning meetings adopted by the Government.

Rama Varmha Tampuran, M. B. E. *(Secretary to Government):* There are every so many ways by which wild public opinion can be checked. We have adopted this method.

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Mr. C. V. Iyyu *(Kunnamkulam):* They have banned certain organisations which are considered undesirable. That is in a way better than banning all public meetings.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, there is no necessity to reply to what the Hon'ble Police Commissioner has said. He said that in the cities of Bombay and Madras there is this ban. What about British Cochin, Sir, with as big a Port as Bombay, perhaps bigger in various respects. Please don't attempt at this sort of hood-winking.

My only consolation, Sir, although I am one for having an elected President, at this moment is the advantage of having the Diwan President. It is for you, Sir, in your capacity as the Diwan of Cochin to consider whether that is the proper advice in the atmosphere of Cochin in the circumstances of Cochin on behalf of the people of Cochin. It is for you to consider that. We have faith in you, Sir, as the Diwan of Cochin. We are satisfied. I press for a division.

Question put and carried

Mr. P. Kumaran Ezhuthassan *(Vadakkacheri):* A poll, Sir.

The House divided

Ayes

1. Mrs. Joshua
2. Mr. B. M. Peter
3. „ K. R. Achyutan
4. „ C. V. Iyyu
5. „ Ephraim Ouseph
6. „ K. T. Achyutan
7. „ A. V. Moothedan
8. „ T. A. Ramachandra Ayyar
9. „ T. P. Poulose
10. „ V. K. Bhaskara Menon
11. „ C. Ittiravi Namburipad
12. „ C. Kunhan Namburipad
13. „ K. Ashtamoorthi Namburipad
14. „ A. Eachara Menon
15. „ K. S. Panicker
16. „ Joseph Pettah
17. „ T. V. Kochuvareed
18. „ P. Narayana Menon
19. Mr. P. P. Devassi
20. „ A. B. Salem
21. Rao Sahib K. Ayyappan
22. Mr. George Panikulam
23. „ K. M. Ibrahim
24. „ K. Kunhirama Menon
25. „ K. Narayana Menon
26. „ P. Kumaran Ezhuthassan
27. „ T. S. Ramachandra Ayyar
28. „ C. K. Nayar
29. „ M. Krishna Menon
30. „ M. Nanu Menon
31. „ S. S. Koder
32. „ N. Govinda Pai
33. „ K. R. Ramakrishnan
34. „ N. V. Subbrayan Chetty
35. „ Thomas Karikkasseri

Noes

1. Rama Varmha Tampuran
2. Mr. A. Madhava Prabhu
3. „ M. Sivarama Menon
4. „ B. V. K. Menon
5. „ C. J. Mathew
6. Rao Sahib M. M. Paul
7. Khan Sahib Y. Muhammad Roshan Sahib Bahadur
8. Mr. S. Venkateswaran
9. Rao Sahib I. N. Menon
10. Mr. V. K. Aravindaksha Menon
11. „ P. V. Raphael
12. Rao Sahib Dr. T. Verghese
13. Mr. H. J. Walmsely

Mr. President: 35 for and 13 against. The motion is carried.

The House rose for the day at 5-15 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

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